



4. A true and accurate copy of the Summons and Verified Complaint is attached as Exhibit 1. Defendants have not otherwise appeared in this action, no further proceedings have occurred, and trial has not yet commenced.

5. This Court has federal question jurisdiction of this action under the provisions of 28 U.S.C. § 1331, as the Verified Complaint is premised on a claim that Defendants have violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 and the regulations imposed pursuant to that statute. See Mims v. Arrow Fin. Servs., LLC, 132 S. Ct. 740 (U.S. 2012).

6. Defendants submit this Notice of Removal without waiving any grounds for dismissal or waiving any defenses to the claims asserted by Plaintiff, and without conceding that Plaintiff has alleged any claims on which relief may be granted.

7. The Magistrate's Court for Charleston County, South Carolina, in which this action was commenced and from which this action is being removed, is within this Court's District and Division.

8. Contemporaneously with the filing of this Notice of Removal, Defendants are filing a Notice of Filing Notice of Removal with the Clerk of the Magistrate's Court for Charleston County, South Carolina, with a copy provided to Plaintiff, as required under 28 U.S.C. § 1446(d).

WHEREFORE, Defendants request that the above-referenced action now pending against them in the Magistrate's Court for Charleston County, South Carolina be removed to the United States District Court for the District of South Carolina, Charleston Division, and respectfully request that this Court take jurisdiction of this action for the determination of all issues, trial, and judgment, to the exclusion of any further proceedings in the Magistrate's Court for Charleston County, South Carolina.

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

s:// Matthew Tillman

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Dated: 12/17/13  
Charleston, SC

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I certify that on December 17, 2013, a true and accurate copy of the foregoing *Notice of Removal* was served via U.S. Postal Service, First Class Mail, postage prepaid on the following:

Mark Fitzhenry  
10 Brigadier Drive  
Charleston, South Carolina 29407

s/Matthew Tillman

Matthew Tillman, Esq.